

REMARKS/ARGUMENTS

The Status of the Claims.

Claims 1-3 are pending with entry of this amendment and stand rejected under 35 U.S.C. 103 and claims 4-18 are added herein. Claims 1-3 are amended herein. These amendments and new claims introduce no new matter and support is replete throughout the specification. These amendments are made without prejudice and are not to be construed as abandonment of the previously claimed subject matter or agreement with any objection or rejection of record.

The Invention

The invention address the problem of verifying collectible items that have been autographed by a celebrity. The novel approach of the invention relies solely on the personal witness of the initial collector and utilizes an on-line system to issue a certificate of authenticity and register information about the collector to authenticate the collector's personal testimony. In specific embodiments, the collector provides information on the collectible via the Internet to a central computer which stores the information for future reference by potential purchasers of the collectible and issues with the certificate a serialized hologram with bar code and an identical serialized hologram with bar code for attachment to the collectible and further provides that the collector must sign a statement on the certificate of authenticity that declares, under penalty of perjury, the information that the collector provided regarding the collectible is correct. Subsequent purchasers can access the central computer via the Internet to record their purchase of the collectible or to obtain historical information on the collectible.

DiCesare, US Patent 5,971,435

DiCesare discusses verifying the authenticity and ownership of an autograph wherein the autograph is signed with the consumer and a representative of an authentication company as witnesses; issuing a voucher bearing details of the autographing and signatures and identification of the witnesses and an identifying code number; affixing the same identifying code number to the article; providing a certificate of authenticity bearing a distinct code number that is different from the code number of the article and the

voucher, and containing a description of the article, details of the signing and witnessing of the autographing, and identification of the owner of the article; and providing a database containing details of the signing and witnessing of the autographing, a record of the code numbers on the article and the certificate; and identification of the owner of the article and a record of subsequent transfers of ownership of the article.

Lucarelli, US Patent Application 20030220885

Lucarelli (which was not published until after the filing date of the present application) discusses an on-line system for authenticating a collectible item or other type of memorabilia using a web page on a on-line title company's website for the collectible item, wherein the web page displays a digital image of the collectible item, written description of the item, and the current owner of the collectible item. In the event of a transfer of ownership of the collectible item, the new owner is given the URL address for the web page, and the password. The new owner may then edit the owner information field on the web page by entering the password provided to him or her by the previous owner to update the owner's information displayed on the web page. The application discusses a 22 step method (See Fig. 20) that relies on registration of a collectible and a photo captured of the collectible at the time of creation or manufacture of the collectible.

Lam, US Patent 6,475,634

Lam discusses an article of manufacture associated with a celebrity that includes a collectible item, a relic fragment joined therewith, and a certificate of authenticity. The relic fragment is formed from a relic associated with the celebrity. The collectible item is joined with the relic fragment. A unique identifier is assigned to the relic fragment. The certificate of authenticity further is discussed as including a signature of an expert qualified to represent that the relic was owned or used by the celebrity; and a signature of a manufacturer of the article.

Young, US Patent 6,591,252

Young discusses authenticating, archiving information and updating ownership of unique items by associating a unique identifying code with the item. Ownership history of the item is locked with a PIN or Personal Identification Number of the owner and cannot be

changed until the owner releases the PIN. A new owner then associates his PIN with the item.

Reply to Examiner's Rejection

The present invention, like the references cited by the Examiner and other references, addresses the problem of how to authenticate a collectible item that has a signature from a famous person or is associated with a famous person.

The DiCesare proposal is to have a representative of an authentication entity witness the signature along with the collector and have that representative enter data into a computer system. This proposal may ensure the authenticity of the signature, but relies on the presence of a particular representative of an authenticating entity and thus is likely to be expensive and/or difficult in certain situations. It also does not provide any solution for a collector who obtains a signature at an event or at some other time when a representative from the particular authenticating entity is not present.

Lam authenticates a collectible with a relic at the time the relic and collectible are created and then issues a certificate of authenticity. A unique identifier is assigned to the relic fragment. The certificate of authenticity further is discussed as including a signature of an expert qualified to represent that the relic was owned or used by the celebrity.

Young discusses authenticating, archiving information and updating ownership of unique items by associating a unique identifying code with the item. Ownership history of the item is locked with a PIN or Personal Identification Number of the owner and cannot be changed until the owner releases the PIN. A new owner then associates his PIN with the item. Young does not address the problem of initially authenticating an item as being signed or witnessed by any individual.

Lucarelli discusses an on-line title company's website with a digital image of the collectible item captured of the collectible at the time of creation or manufacture of the collectible, written description of the item, and the current owner of the collectible item.

The present invention, by contrast, allows any collector who was present and witnessed a signature at any type of event to later generate a certificate of authenticity that includes the collector's personal signed guarantee that the signature is authentic and was

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Reply to Office action of 3 April 2005

witnessed by that collector. In specific embodiments, the certificate includes a statement signed under penalty of perjury valid for a collector's particular state.

Among the advantages and elements of the present invention that are not present and suggested in any of the cited references is that a collector can generate such a signature without having to have a representative of an authentication present, which may be expensive or difficult in various situations. The invention combines generating such a certificate with storing information on a website about the collector and the collectible to provide assurances to subsequent owners of the collectible that the signature is authentic. DiCesare, like the other references, teaches away from the claimed invention in that DiCesare does not provide any means for a collector, on his or her own, to authenticate a collectible item, especially an item that might be signed at a place not specifically designated for celebrity signing.

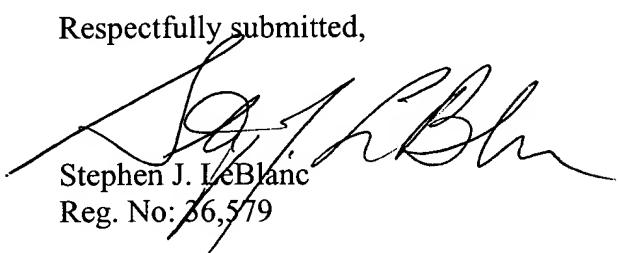
CONCLUSION

In view of the foregoing, Applicants believes all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the claims are deemed not to be in condition for allowance after consideration of this Response, a telephone interview with the Examiner is hereby requested. Please telephone the undersigned at (510) 769-3508 to schedule an interview.

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Respectfully submitted,


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Attachments:

- 1) A petition to extend the period of response for 3 months;
- 2) A transmittal sheet;
- 3) A fee transmittal sheet;
- 4) Signed change of correspondence form, and
- 5) A receipt indication postcard.